

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

for the

Southern District of Texas

MAY - 1 2014

United States of America)

v.)

Mariano PADILLA-Mexican Citizen)

YOB 1991)

Emilio PADILLA-Mexican Citizen)

YOB 1990)

Defendant(s)

David J. Bradley, Clerk

Case No. M-14-0856-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

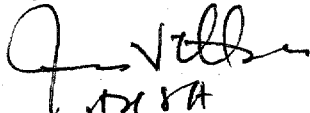
On or about the date(s) of April 30, 2014 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:*Code Section*
18 U.S.C. 922(g)(5)A*Offense Description*
Unlawful to possess a firearm that had previously traveled in and affected interstate commerce, while being an alien and being illegally or unlawfully in the United States.

This criminal complaint is based on these facts:

See Attachment A.

☒ Continued on the attached sheet.

Approved & Filed:


ATF
5-1-14

Complainant's signature

ATF Special Agent Luke Hitt

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/01/20148:37am

Judge's signature

City and state: McAllen, TX

U.S. Magistrate Judge Peter Ormsby

Printed name and title

ATTACHMENT A

I, Special Agent Lawrence Hitt, affiant, do hereby depose and state the following:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. I have been a law enforcement officer for five years.
2. My duties include the investigation of violations of the federal firearms laws. I know it to be unlawful for any person, who is illegally in the United States, to possess a firearm that has traveled in interstate or foreign commerce.
3. On April 30, 2014, your affiant, along with other law enforcement personnel, executed a federal search warrant in case number M-14-0856-M, on the residence located at 503 Shea Drive, Alamo, Texas. During a search of the residence, two individuals, later identified as Mariano PADILLA and Emilio PADILLA were detained by ATF for questioning.
4. Three loaded firearms and assorted ammunition were recovered during a search of the residence. The firearms are described as a

Mossberg, model 500A 12 gauge shotgun, SN R554023
Glock, model 19, .9mm pistol, SN WNF349, loaded with 15 rounds of ammunition
Glock, model 26, .9mm pistol, SN SBU877, loaded with 13 rounds of ammunition
5. After being advised of his Miranda warnings, Emilio PADILLA waived his rights and agreed to be interviewed. He said that one of the pistols belonged to his wife and the other one belonged to his friend, but that in the early morning hours of April 30, 2014 he had removed both pistols from a safe in his bedroom and placed them under his bed for protection. He also admitted that later on that same date he put the pistols back in the safe. He then showed your affiant where the key for the safe was hidden, in a light fixture in the bathroom.

ATTACHMENT A

6. After being advised of his Miranda warnings, Mariano PADILLA waived his rights and agreed to be interviewed. He said that he often carries the pistols with him for protection when he goes to parties. He also admitted that he was shooting both pistols on the previous day, April 29, 2014. He said he was shooting both pistols for target practice at a friend's house.

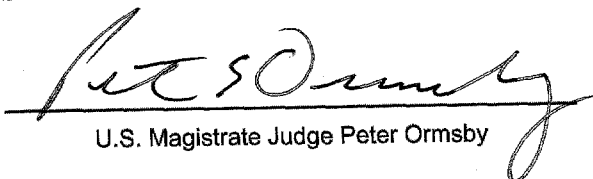
7. US Immigration and Customs Enforcement Officer Robert Munoz spoke with Mariano PADILLA and Emilio PADILLA. Officer Munoz determined that both subjects are Mexican citizens with no legal standing to reside in the United States.

8. ATF Special Agent Mark Wilson examined the aforementioned firearms. Special Agent Wilson has been certified as an expert in the interstate nexus of firearms and ammunition. Special Agent Wilson determined that the firearms were manufactured outside the state of Texas and therefore traveled in interstate commerce if found in Texas.



ATF Special Agent Luke Hitt

Sworn to before me and subscribed in my presence,



U.S. Magistrate Judge Peter Ormsby

05/01/2014